

REMARKS

Claims 33-40 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claims 33-40 were rejected under 35 U.S.C. §101 as being directed to unpatentable subject matter. Claims 33-37 and 39-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wiser in view of Burke. Claim 38 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wiser in view of Burke and Swartz. Applicants have cancelled claims 33-40, and added claims 41-57. Reconsideration and further examination is respectfully requested.

Claims 33-40 were rejected for various reasons. Claims 33-40 have been cancelled.

Accordingly, the rejections set forth in the Final Office Action are moot.

Claims 41-57 have been added to recite the present invention. Claims 41-48 relate to a method for controlling provision of digital media content from a retailer in connection with fundraising by a non-profit organization. Claim 49 relates to a method for creating a unique identifier for a voucher to be redeemed for digital media content. Claims 50-57 relate to a system for controlling provision of digital media content from a retailer in connection with fundraising by a non-profit organization.

As recited in the claims and as described in the specification, the present invention includes a method and apparatus for providing digital media content in connection with fundraising efforts of a non-profit organization. The organization is able to raise funds through the sale of vouchers. The vouchers can be redeemed at an online and/or in-store retailer of digital media content. The system and method relate to control of the distribution, activation and redemption of the vouchers. Specifically, vouchers are created and provided to the non-profit organization. Before a voucher can be redeemed, it must be activated. This prevents the unauthorized use of a voucher. To activate the voucher, the vouchers which have been

distributed are identified by the non-profit organization. The retailer is notified of the vouchers which have been activated and can be redeemed. Vouchers are identified through the use of unique identifiers. According to another aspect of the invention, the unique identifiers for the vouchers are created through the combination of two partial identifiers. The partial identifiers can be sent separately to the non-profit organization. The identifiers are combined by the non-profit organization. This helps to prevent the unauthorized use of vouchers if they become lost or are stolen.

The newly presented claims overcome the rejections presented against claims 33-40 in the Final Office Action, as well as the rejections presented against claims 1-32 in the first Office Action.

The previously presented claims were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to disclose when the vouchers were provided to the user or organization. The newly presented claims are clear regarding providing vouchers to an organization. The newly presented claims further recite the steps and apparatus used to control the distribution of digital media content through the use of vouchers. Accordingly, the previous rejection has been overcome.

The previously presented claims were further rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. The previously presented claims were directed to a computerized method. The rejection was based upon the failure of the computerized invention to be tied to an apparatus or to transform subject matter or to change a state. Claims 50-57 relate to a system and are tied to an apparatus. Claims 41-49 are method claims which are not necessarily associated with a computer. They include steps relating to control of vouchers. In particular, they relate to transmission and reception of signals. For example, claim 41 recites the steps of

creating a plurality of vouchers, providing the vouchers to the non-profit organization, storing identifiers for the vouchers, identifying vouchers which have been activated, and providing the retailer with information on activated vouchers which can be redeemed. Furthermore, the method includes collecting and providing funds in connection with activation and redemption of vouchers. These steps constitute patentable subject matter. They are tied communications and distribution of physical materials. Accordingly, the present claims overcome the rejection under 35 U.S.C. §101.

The previously presented claims were rejected as being unpatentable over Wiser in combination with Burke and/or Swartz. In the first Office Action, the claims were rejected over Wiser and Emoke, alone or in combination with other references. Neither Wiser nor Emoke disclose, teach or suggest the present claimed invention. The rejections were based entirely on the use of the term “voucher” within the claims. While Wiser and Emoke use a “voucher” in distribution of digital media content, that use is significantly different from the use of the term in the present claims.

Wiser discloses a “voucher” in Fig. 3 and columns 4-5. As discussed in Wiser, the voucher is a trusted data object. The voucher “uniquely identifies the media being purchased, the specific purchase transaction, and the specific delivery server to deliver the purchased media to the medial player.” Wiser, col. 4, lines 58-61. The media voucher is provided to the user’s web browser once payment has been authorized. The voucher further identifies specific content which has been purchased and which can be retrieved. Thus, the voucher in Wiser is created based upon a purchase transaction and is used to verify that the purchase took place before the content is provided.

On the other hand, the voucher of the present invention does not relate to a specific purchase nor to specific content. The vouchers of the present invention are created and provided to the non-profit organization. The organization sells and activates the vouchers. The retailer is then notified of activated vouchers. The person purchasing the voucher from the non-profit organization may use the voucher to obtain any content from the retailer. The vouchers in the present invention relate to the opportunity to obtain content. The voucher is separate from both the purchase transaction and the content. Therefore, voucher has a completely different meaning in Wiser and the present invention.

Furthermore, Wiser does not disclose many of the limitations of the present claims. Claim 41 recites the steps of creating a plurality of vouchers and providing the plurality of vouchers to the non-profit organization for sale. Wiser does not disclose creating a plurality of vouchers nor providing the vouchers to an organization for sale. Wiser only discloses creating a single voucher for each separate purchase of specific content. There is no creation of a plurality of vouchers nor providing them to an organization for sale. Claim 41 further recites storing the identifiers corresponding to the vouchers, identifying activated vouchers and providing activated vouchers to the retailer. Wiser discloses nothing regarding such steps. The voucher in Wiser is self contained item sent to the user to retrieve specific content. Therefore, claim 41 distinguishes over Wiser.

Claims 42-48 depend from claim 41 and are allowable for at least the same reasons. Claim 42 recites that the retailer includes a plurality of retailers. Wiser does not disclose providing information regarding vouchers to a plurality of retailers. Claim 44 recites a value associated with each voucher and deducting the value of the redeemed content from the value of the voucher. Since the voucher in Wiser relates to a single purchase transaction, it does not have

a value associated therewith nor deduction of costs therefrom. Claim 45 recites that the voucher includes a card having the unique identifier thereon. Wiser does disclose a voucher which is a physical card. Claim 46 recites steps relating to the retailer requesting and receiving information regarding activated vouchers. Wiser does not disclose such steps. Claim 47 relates to activation of a voucher through a telephone call. Wiser does not disclose activation of a voucher nor doing so through a telephone call. Claim 48 recites that the identifiers corresponding to the vouchers are provided to the non-profit organization in two separate parts. Wiser does not disclose providing identifiers to a non-profit organization nor doing so in separate parts. Therefore, claims 42-48 distinguish over the cited art and are in condition for allowance.

Claim 49 recites a method for creating an identifier for a voucher. The method includes creating a first partial identifier, creating a second partial identifier and combining the identifiers to create the identifier for the voucher. Wiser does not disclose such a method.

Claims 50-57 relate to a system for controlling distribution of digital media content in connection with fundraising of a non-profit organization. The system includes elements for creating vouchers, distributing vouchers to the organization, and controlling activation and redemption of the vouchers. The system operates in accordance with the methods of claim 41-48. For at least the reasons discussed above, these claims distinguish over Wiser and are in condition for allowance.

Similarly, Emoke, which was relied upon in the first Office Action, does not disclose, teach or suggest the present claimed invention. Emoke also uses the term voucher in connection with providing promotions for playing games. When a user plays a game, if a specific skill or score level is achieved, a promotion award code (voucher) is generated. There is nothing in Emoke which discloses, teaches or suggests creating a plurality of vouchers and providing those

vouchers to a non-profit organization for sale. Furthermore, nothing in Emoke relates to receiving identifiers for the vouchers to activate the vouchers. The promotion code is available for redemption once it is created. Furthermore, activated vouchers are not transmitted to a retailer. Accordingly, claim 41, which includes such steps, patentably distinguishes over Emoke and is in condition for allowance. Emoke does not disclose any of the steps nor apparatus elements recited in the claims of the present application. Emoke merely discloses an electronic voucher which is redeemable. It does not disclose anything regarding the other aspects of the claimed invention. Accordingly, all of the claims distinguish over Emoke and are in condition for allowance.

None of the secondary references discloses the use of vouchers in connection with fundraising by a non-profit organization. None of the references discloses a method or system which creates a plurality of vouchers, provides those vouchers to a non-profit organization for sale, receives identifiers for vouchers to be activated, nor transmits activated vouchers to a retailer, as recited in the claims. None of the references disclose any of the other steps or elements of the claims.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Brett N. Dorny, Applicants' Attorney at 508-709-0501 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

May 13, 2009  
Date

/Brett N. Dorny/  
Brett N. Dorny  
Attorney/Agent for Applicant(s)  
Reg. No. 35860

Brett N. Dorny  
Law Office of Brett N. Dorny  
386 West Main Street, Suite 12A  
Northborough, Massachusetts 01532  
Tel. 508-709-0501